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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1932nd (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Monday, 12 January 2015, at 3 p.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of the Dominican Republic (CRC/C/DOM/3-5; CRC/C/DOM/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Dominican Republic took places at the Committee table.*

2. **Mr. Padilla Vicioso** (Dominican Republic), introducing the combined third to fifth periodic reports of the Dominican Republic (CRC/C/DOM/3-5), said that the Organic Act establishing the national development strategy of the Dominican Republic for the period 2010–2030 had been promulgated on 25 January 2012. The national development strategy provided a guiding framework for public policies and the efforts of the different sectors to achieve national development goals. The Government considered that the promulgation of the Organic Act gave effect to the recommendation contained in paragraph 12 of the Committee's previous concluding observations (CRC/C/DOM/CO/2) regarding the need to implement one consolidated national plan of action for children. The Government had also launched an early childhood programme called "Quisqueya Empieza Contigo" (Quisqueya starts with you) to assist children aged between the ages of 0 and 5 as part of its wider efforts to reduce poverty and social exclusion. The primary objective of the programme was to increase the availability of early childhood services through a number of initiatives specially designed for that purpose. The Government had adopted various strategies to address the issue of non-registration at birth. As part of one such strategy, the Central Elections Board had instructed hospitals to register births systematically. Moreover, a special prenatal registration form had been designed to ensure that all children were included in the Civil Registry.

3. The Government had taken note of the opinions expressed and suggestions made concerning the impact of Constitutional Court ruling 168-13 on the recognition of the Dominican citizenship of certain children and adolescents and had examined the legal alternatives that existed within the Dominican legal order with a view to remedying any inequalities or injustices. The Government was continuing to work to overcome the challenges relating to the registration and documentation of Dominican citizens and to migration control. In 2013, the President of the Republic had declared his intention to preserve both the fundamental and acquired rights of all persons residing in the Dominican Republic. To that end, the Government had adopted a strategy aimed at documenting and regularizing the status of all persons residing in the Dominican Republic so as to protect their fundamental rights and reduce their vulnerability. A road map for implementing the strategy had been drawn up and efforts were under way to meet the different documentation needs of Dominican citizens and foreign nationals. Under the national plan for regularizing the status of foreign nationals in an irregular migratory situation, it would be possible for foreign nationals in an irregular situation to acquire one of the migration statuses provided for by law on the condition that they met the relevant criteria. The plan could thus allow thousands of people from more than 100 countries who were residing in the Dominican Republic to regularize their migration status.

4. The Government recognized the need to adopt effective public policies and programmes to combat violence against children and adolescents and to afford them adequate protection. To that end, a proposal for a national strategic framework to guide public policies aimed at combating that phenomenon had been developed. The proposal, known as the Road Map, established the operating guidelines for the various entities tasked with dealing with the phenomenon.

5. The National Council for Children and Adolescents (CONANI) remained the institution responsible for the protection of children and adolescents. Thirty-one local child protection councils had been set up in 2014 and 50 more would be added in 2015. The Government was also in the process of implementing a foster care programme, which would serve as the basis for a wider policy to promote care in a family setting and to curb the use of institutionalization as a protection measure.

6. Over the preceding four years, the Government had increased investment in basic social policies and in the protection afforded to vulnerable segments of society, including children and young people. A number of new initiatives had been launched, including one programme to prevent teenage pregnancy and another to address the worst forms of child labour.

7. **Ms. Oviedo Fierro** (Country Rapporteur) requested additional information on the specific functions of CONANI. She asked whether the involvement of CONANI in providing direct assistance to children and adolescents in need did not undermine its role as the institution responsible for coordinating the different bodies involved in the protection of children and adolescents. She enquired as to the role played by CONANI in following up complaints concerning violations of children's rights. She asked how CONANI coordinated efforts to protect children and adolescents at the regional level in view of the limited number of local child protection councils and the absence of CONANI offices at the municipal level. She also wished to know whether the special committees set up to oversee the implementation of the different plans and programmes to assist children and adolescents came under the authority of CONANI.

8. It seemed to her that the promulgation of the Organic Act establishing the national development strategy of the Dominican Republic for the period 2010–2030 did not give effect to the recommendation contained in the Committee's previous concluding observations on the need to implement one consolidated national plan of action for children, as the national development strategy appeared to include only one programme that specifically addressed the needs of children and adolescents, namely "Quisqueya Empieza Contigo". She requested additional information on how the national development strategy catered to the specific needs of children and adolescents.

9. The Committee was concerned at the lack of visibility of children in the plans and programmes adopted to improve their situation. She requested additional information on the specific functions of the Ombudsperson for Children and Youth. She asked whether there was another institution apart from the Ombudsman's Office that was competent to defend children's rights. She asked what the State party had done to give effect to the recommendations contained in paragraph 17 of the Committee's previous concluding observations concerning the helplines for children and adolescents. She also wished to know about the measures in place to protect children from the dangers associated with social media and new technology. Noting that the Government had increased investment in basic social policies, she asked whether more funding had been allocated to policy areas affecting children and adolescents, such as special protection for the victims of trafficking or sexual abuse.

10. She requested the State party to provide statistical data to show how often the legal provisions guaranteeing the right of the child to be heard during custody and adoption proceedings were implemented. She enquired about the current situation regarding the children's advisory council. She also requested additional information on the functions and composition of the youth councils mentioned in the State party's report. She asked whether children had the opportunity to express their opinion within the education system and whether their opinions were taken into account by decision makers.

11. She noted with concern that, under Constitutional Court ruling 168-13, tens of thousands of people, the vast majority of whom were of Haitian origin, could lose their Dominican citizenship, and that children born in the Dominican Republic to foreign parents in an irregular situation would be precluded from applying for Dominican citizenship. She would be interested to know of the legal arguments behind the ruling. She requested additional information on the special regime for people born in the Dominican Republic who had been registered in the Civil Registry on an irregular basis provided for under Naturalization Act No. 169 and on any obstacles to the naturalization process. She asked how the State party planned to ensure that all children and adolescents residing in the Dominican Republic were registered at birth and could acquire Dominican nationality.

12. **Ms. Parsi** (Country Rapporteur) said that, despite the State party's efforts to combat violence against children and adolescents, such violence remained prevalent in the home. She asked when the proposal for a national strategic framework to guide public policies aimed at combating violence against children and adolescents, known as the Road Map, would be adopted and how its implementation would be monitored. Noting with regret that, to date, the State party's legislative measures and awareness-raising efforts had done little to curb gender-based violence and femicide, she underscored the need for the State party to do more to remedy that situation. Had the State party considered carrying out a study on violence against children and adolescents which could inform public policy in that area? How did the State party plan to enhance the psychosocial care dispensed to children and adolescents who were victims or witnesses of violence?

13. While corporal punishment had been made unlawful in schools, many children were still subjected to corporal punishment and physical abuse at home and in other settings. Noting that the Committee had called upon the State party to prohibit corporal punishment explicitly in all settings by law in its previous concluding observations, she asked what progress the State party had made in that regard. Welcoming the establishment of disciplinary guidelines aimed at preventing violence in educational establishments, she asked how the State party planned to raise awareness of those guidelines in the educational sphere and whether they had had a positive impact in schools. She also asked how the State party planned to provide children and adolescents with more opportunities for cultural, artistic, recreational and leisure activities at the local level.

14. **Mr. Kotrane** said that the Committee welcomed the fact that the State party had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. He asked whether the State party also planned to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance. He also asked what progress the State party had made towards ratifying International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). He further wished to know whether the Convention could be invoked directly before domestic courts in the State party and of the specific cases in which it had been invoked.

15. He asked whether the State party's Constitution, which stated that the family was the foundation of society, did not provide a pretext for discriminating against children born out of wedlock. In addition, he wished to know whether the courts and the administrative authorities received the training that would make it possible to ensure that the principle of the best interests of the child, enshrined in the country's Constitution, was indeed adhered to.

16. **Mr. Cardona Llorens**, noting that the figures on gender-based and sexual violence provided by the State party were not disaggregated and thus tended to obscure the proportion of the acts of violence committed against children, asked whether the State party

had plans to develop policies whose specific aim was to address violence against children, in particular sexual violence.

17. **Ms. Oviedo Fierro** asked why the great numbers of initiatives that the State party had taken to combat violence had apparently not produced visible results. In 2012, for example, all forms of violence had increased markedly. In view of information provided by the State party itself, she also asked whether the country's capacity to restore victims' rights was not inadequate. Lastly, she requested information on the content and results of agreements between the Ministry of Tourism and the hotel industry regarding commercial sexual exploitation.

18. **The Chairperson** asked why, when such a large percentage of children were born in hospitals, so many births went unregistered, whether the State party had any plans to ensure that all children could obtain birth certificates and whether any efforts were being made to do away with the exception that allowed children under the age of 18 to marry. Lastly, she asked whether the State party was taking any action to implement recommendations to the effect that its legislation and administrative and judicial procedures should be aligned with the provisions of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

The meeting was suspended at 4.05 p.m. and resumed at 4.40 p.m.

19. **Mr. Hernández Sánchez** (Dominican Republic) said that the functions of CONANI had not changed. It was still the lead agency for safeguarding the rights of children and adolescents. While its decision-making was centralized, the effects of those decisions were felt at municipal level, and for that reason, as well as for economic reasons, what the law stated about the Council's functions was not entirely consistent with the Council's actions in practice. Gradual progress was being made, however. At the time when the periodic report had been drafted, for example, 11 municipalities had run local boards for the protection and restoration of rights, but there were currently 33 such boards, and the 2015 budget forecast the creation of 50 more, which would mean that there would be a local board in more than half of the country's municipalities, each of which was required by law to have one. Immediate compliance with that law was impossible, however. Although the members of the local boards were unpaid volunteers, each board required specialized support, which had to be paid for. The 2015 budget had allocated funds for the creation of a number of municipal offices to provide that support.

20. In addition, the provision of early-childhood services, which had previously accounted for the great majority of the Council's budget, was currently the responsibility of a new institution, which ran the early-childhood programme "Quisqueya Crece Contigo" (Quisqueya grows with you). CONANI had served only 18,000 children aged under 5 in 2014, whereas the 2016 goal for the new institution was to cover as many as 225,000.

21. **Ms. Oviedo Fierro** asked how many children under the age of 5 were currently served and how the goal to cover more than 200,000 could be reached if progress was so slow.

22. **Mr. Hernández Sánchez** (Dominican Republic) said that reorganizing the institutional structure for the provision of early-childhood services had taken time. Centres for early-childhood services were being created, but the centrepiece of the institutional reform was the creation of a pilot community programme which, by drawing on the experiences of other countries in the greater region, such as Chile, would make it possible to serve the desired number of children. The United Nations Educational, Scientific and Cultural Organization had also lent support to the programme.

23. As a result of a popular movement, greater investment was being made in education. Additional classrooms were being built and the school day had been lengthened. However,

making those changes, too, took time. The much longer school days, for example, meant that new cafeterias had to be built. In addition, the Government was making efforts to improve the coordination of actions taken in favour of children. For that reason, an information system was being developed that would make it possible to achieve an overview, including quantitative data, of the work done by all the agencies involved.

24. **Ms. Oviedo Fierro** asked whether greater investment was also being made in children's health.

25. **Mr. Hernández Sánchez** (Dominican Republic) said that in each year from 2010 to 2013 investment in children had increased, as a proportion of the gross domestic product. Those figures were not yet official, however, and they had not been broken down by sector.

26. **Ms. Oviedo Fierro** asked whether the Dominican authorities believed that merely increasing budgets was sufficient.

27. **Mr. Hernández Sánchez** said that, as much as they might have liked it to be the case, Dominican officials did not believe that greater investment alone was the solution to all problems. Regarding unaccompanied minors who had entered the country from Haiti, in particular after the earthquake in 2010, he said that communication between CONANI and the Haitian authorities had not always been satisfactory and that reuniting those children with their families had therefore not been easy. Nonetheless, all but seven of the Haitian children who had been placed in temporary CONANI shelters after the Haitian earthquake had rejoined their families.

28. Haitian children who were being exploited for their labour in Santiago de los Caballeros and Santo Domingo had also been rescued, and the adults who were exploiting them had been imprisoned. In early 2013, a specialized prosecutor's office had been created to deal amongst others with the commercial sexual exploitation of trafficking victims. As a result, several prosecutions had ensued, six of which involved the exploitation of minors.

29. **Mr. Cardona Llorens** asked how many cases of sexual abuse in the family environment had been tried in court. The problems of the commercial sexual exploitation of children in the context of trafficking would be discussed later.

30. **Mr. Hernández Sánchez** (Dominican Republic) acknowledged that information on cases of sexual abuse in the family environment was not readily available, although there had indeed been persons placed in detention for such offences. Cases of sexual abuse involving religious figures, on the other hand, had been given a good deal of attention, including internationally. Locally, several other cases involving church authorities were being dealt with by the courts.

31. In view of a survey showing that 64 per cent of the population resorted to corporal punishment, the authorities had drawn up a road map to address violence in the areas noted in the World Report on Violence against Children. The Dominican Republic was the first country in the region to take such a step. The road map had been approved, and agencies in all relevant sectors were encouraged to align their workplans accordingly. For the planned development of a law on corporal punishment, the Dominican Republic had sought the aid of Uruguay, Argentina and the Bolivarian Republic of Venezuela, which already had such legislation.

32. The Ministry of Education had taken initiatives to combat bullying in schools, but it would take time to change traditional attitudes. The Standards for Harmonious Coexistence in Public and Private Schools had been introduced throughout the educational system. Every year, the Ministry issued a resolution calling on educators not to deny children without birth certificates access to schooling. Regrettably, despite considerable efforts, a few such children were still victims of discrimination for want of the proper documents.

33. **Ms. Sabino Pozo** (Dominican Republic) said that the Migration Act (No. 285-04), given constitutional status in 2010, had created a legal instrument that ensured that children born to foreign nationals residing illegally in the Dominican Republic were entitled to inclusion in the Civil Registry. Since 2007, the births of nearly 35,000 such children had been registered.

34. Constitutional Court ruling 168-13 and Naturalization Act No. 169 of 2014 should be considered jointly, given that the Act had been adopted in response to the ruling. The Act guaranteed the right to Dominican nationality for all children registered in the Civil Registry from 1999 to 2007, whose parents had been in an irregular situation or had held unrecognized identity documents at the time of the children's registration. Foreign-born parents who were entitled to Dominican nationality under Act No. 169 and who had not yet registered their children were also entitled to do so. Act No. 169 addressed an issue that had long been neglected in the country by establishing a regime allowing foreign nationals residing in the Dominican Republic in an irregular situation to apply for Dominican nationality while benefiting from legal guarantees.

35. **Mr. Padilla Vicioso** (Dominican Republic) said that a large portion of the national development strategy was devoted to strengthening and protecting the rights of children and adolescents, as evidenced by the target set in relation to early childhood. Other issues had not been dealt with as satisfactorily and would require specific planning, coordination and implementation. His delegation would provide further data in writing on the use of information and communications technologies by children. Efforts were being made to monitor the information made available to children. A campaign calling for the responsible use of such technologies had not been as successful as hoped but had at least provided a starting point by encouraging parents to give their children guidance and support regarding technology use.

36. The children's consultative councils had been meant to provide a forum for children's genuine participation in policymaking, and the resolution on their establishment had been adopted in response to the conclusions of the Twentieth Pan-American Child Congress. However, during subsequent consultations with a number of youth councils (ayuntamientos juveniles), the young people involved had expressed a preference for retaining those mechanisms rather than participating in the new councils. The National Council for Children and Adolescents (CONANI) therefore considered it preferable to encourage the grassroots organization of youth councils rather than attempt to impose a top-down approach in the form of children's consultative councils.

37. Many children participated in sports activities such as baseball, but studies had shown bullying to be a major problem in such activities. There was a need to work with the organizers of those activities to change practices that encouraged sexism, male chauvinism and other attitudes that undermined the rights of the child. Children's carnival celebrations also raised concerns about the sexualization of children and teenage pregnancy, and much work remained to be done in relation to leisure and cultural activities involving children.

38. The discrepancy in the figures provided on the participation of children in youth consultations organized by civil society compared with those organized by the Government was due to the fact that civil society organizations had conducted a survey with 5,000 youth participants, whereas the 600 children referred to in the periodic report had attended events enabling them to share their views directly. The two methodologies were distinct and thus could not be compared. Ten years earlier, CONADI had conducted a survey in which about 1.2 million children had participated by answering a number of questions about the kind of country they wanted in the future. The education system also organized a number of events on issues such as drug abuse, HIV/AIDS and the environment in which children participated and shared their views.

39. **Mr. Mezmur** said that he had been surprised to see no mention of the issue of statelessness in the State party's report, as it was a serious problem. He was concerned that the ongoing power play between the Constitutional Court of the Dominican Republic and the Inter-American Court of Human Rights was negatively affecting the rights of the child. In the light of article 8 of the Convention, he wished to know how Act No. 169 of 2014 would speedily restore the right to Dominican nationality for those children of Haitian descent who had been illegally deprived of that right.

40. **Ms. Winter** said that the issue referred to by Mr. Mezmur was affecting about 200,000 children in the State party and must be resolved quickly.

41. **Ms. Parsi** said that the Committee recognized the Government's efforts to provide social protection to families, and she asked about the current status of the draft family code and about the steps being taken to ensure that all sectors of society, including children, had a chance to contribute to discussions concerning the code. She asked what measures the Government was taking to adopt, in consultation with civil society, national regulations on the operation of residential institutions for children and to establish a monitoring mechanism to oversee the implementation of those regulations. She requested further information about the pilot programme for foster families. She wished to know how transparency and accountability were ensured in adoption procedures.

42. Noting a number of shortcomings in the education system, including high repetition rates and low enrolment rates in secondary schools, she wished to know to what extent the Extended Sessions programme was addressing those problems. She asked what efforts the Government was making to fully eliminate the practice of expelling pregnant girls from school and whether it had implemented a national, scientifically-based sexual education programme. Lastly, she asked what was being done to combat discrimination against students of Haitian origin in the education system.

43. **Ms. Oviedo Fierro** reiterated the Committee's concerns about the dispute between the Constitutional Court of the Dominican Republic and the Inter-American Court of Human Rights and asked how the Government would protect the right to nationality and birth registration for children of Haitian origin. She asked the delegation to comment on reports that civil society organizations that defended the rights of persons of Haitian origin were treated with hostility. She asked what measures were being taken to combat discrimination against persons of Haitian origin, women, and members of the lesbian, gay, bisexual and transgender community, as well as other marginalized groups.

44. She enquired whether the concordat signed between the Holy See and the Dominican Republic granted immunity before the courts to members of the clergy accused of paedophilia. She urged the Government to take legal action against the former papal nuncio to the Dominican Republic, who had been removed from the priesthood following accusations of child sexual abuse. There seemed to be a large discrepancy between the total number of children with disabilities in the country and the much smaller number of children with disabilities enrolled in the education system. The delegation's comments on that situation would be welcome. The data provided showed no improvement regarding maternal and infant mortality, despite the Committee's previous recommendations on the issue. She repeated the Committee's questions about clandestine abortions and criminal penalties imposed for abortion, which had not been answered.

45. She requested information specifically on those asylum cases that involved children and adolescents. She found it regrettable that the delegation had not provided the requested information on the more than 800 children allegedly deported in 2013. The information on the plan to combat child trafficking appeared to be identical to the information on the plan to combat violence; it was thus not clear to her what action was being taken to deal

specifically with trafficking. She requested further information on the increased punishments for adolescent offenders and on the anti-gang bill.

46. **Mr. Cardona Llorens** said that the Committee welcomed the legislative amendments made with a view to bringing national law into line with the Convention on the Rights of Persons with Disabilities but was concerned that those changes were not being properly implemented with respect to inclusive education for children with disabilities. He asked whether the State party planned to put an end to the segregation of children with disabilities in cultural and sporting activities.

47. **The Chairperson**, noting that maternal and infant mortality rates were high despite the fact that 97 per cent of deliveries took place in hospitals, asked how the Government planned to address that issue and requested independent data on maternal health, if available. She wished to know about any measures taken to promote exclusive breast-feeding and to discourage the early introduction of solid food.

48. **Ms. Al-Shehail** said she was concerned that efforts to promote sexual and reproductive health among adolescents and to prevent teenage pregnancy were suffering from a lack of coordination and from the strong influence of the Catholic Church. She wished to know the budget allocated for those efforts and requested information on any recent sexual and reproductive health programmes in schools. She requested further information about the Centre for Adolescent Substance Consumer Care and its impact.

49. She asked for information about the impact of the Solidarity Programme in recent years. Lastly, she asked what was being done to improve the quality of drinking water and thereby reduce the risk of epidemics of diseases such as cholera.

50. **Mr. Kotrane** said that national legislation on child labour did not seem to be fully in line with international standards, and he asked whether the State party planned to launch a more effective programme to address the various forms of child labour, including forced labour. He noted the reforms made with regard to juvenile justice but was concerned that they were not being effectively implemented. It seemed that many youth offenders were being placed in pretrial detention, in the course of which they were often subjected to violence and violations of their rights. He asked what the State party was doing to promote alternatives to custody for minors.

The meeting rose at 6.05 p.m.